IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 41 OF 1999

SHRI TUKARAM N. KAREKAR & ORS ....Appellants

Versus

SHRI NAGUESH U. PAI & ORS ....Respondents

Mr. Sanjay Sardessai, advocate for the appellants.
Mr. V. Menezes, advocate for the respondent no.1.

Coram:- R. M. LODHA, J.

Date:- 31st August, 2005

P.C.

During the course of the hearing, the learned counsel for the parties agreed for the disposal of the First Appeal by the following Order:-

1. The defendant (respondent herein) shall pay a sum of Rs.60,000/- (rupees sixty thousand only) to Smt. Durgabai Karekar (widow of the original plaintiff) in full and final settlement of the original plaintiff's claim in the suit in the following manner:-

(i) Rs.25,000/- (rupees twenty-five thousand only) by banker's cheque/pay order, on or before 2nd September, 2005; and

(ii) Rs.35,000/- (rupees thirty five thousand only) by banker's cheque/pay order on or before 15th September, 2005.

2. The defendant undertakes that the aforesaid payments shall be made to the widow of the original plaintiff on or before the dates mentioned above. The undertaking is accepted.

3. The Judgment and Decree passed on 8th January, 1999, by the IInd Additional Civil Judge, Senior Division, Margao, is confirmed subject to the defendant making payment of Rs.60,000/- to the widow of the original plaintiff, within the aforestated time.

It is clarified that upon payment of Rs.60,000/- by the respondent-defendant to the widow of the original plaintiff, the other legal

representatives of the original plaintiff shall have no right or claim against the defendant.

The Appeal is disposed of accordingly. No costs.

R. M. LODHA, J.